

**Federal Defenders  
OF NEW YORK, INC.**

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**By Hand and ECF**

The Honorable Dora L. Irizarry  
United States District Judge  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, N.Y. 11201

September 1, 2015

**United States v. Colin McKenzie, 15 CR 113 (DLI)**

Your Honor:

Mr. McKenzie pled guilty to importation of cocaine and is scheduled to be sentenced on September 16, 2015. His adjusted offense level is 21, which provides for an advisory guideline range of 37-46 months given his lack of criminal history. The defense submits that a below-guidelines sentence is sufficient to meet the purposes of sentencing.

Mr. McKenzie is a stoic man, and to ask for any form of special consideration on his behalf is somewhat contrary to his character. He accepts that he committed a crime and that he must be punished. He has asked counsel not to trouble his family in Guyana. He is ready for whatever term the Court imposes. He has spent most of his life doing hard physical work as a longshoreman and as a cook on ocean freighters. He does not whine.

Nonetheless, the facts of this case are somewhat mitigating and demonstrate that something less than the Guidelines might suffice to meet the purposes of sentencing. Mr. McKenzie was induced to undertake this drug trip by a friend who initially told him he would be smuggling diamonds. His friend indicated he had done a trip before and that it would be easy. He assured Mr. McKenzie repeatedly the trip did not involve drugs. Mr. McKenzie ultimately agreed to the offer. He readily acknowledges he believed smuggling diamonds to be illegal, but did not think it was as serious as smuggling drugs.

There were significant delays in his travel and he wound up being shuttled between multiple hotels and guest houses waiting for the "product" to be ready. During these delays, he surmised that the diamond story was a sham and that the trip involved drugs. Although he had not wanted to become involved in drug trafficking, he felt he had already gone too far to turn back. He says some menacing remarks were made to him about changing his mind, but also

readily acknowledges that his judgment was clouded throughout this affair by the prospect of easy money.

Mr. McKenzie has three minor children, 14-year-old twins and a 21-month old with his former partner. He sees his children on weekends. He also visits his elderly mother daily at the nursing home where she lives. A guidelines sentence would involve a significant separation from these family members who need his emotional and financial support.

Given his family situation, his lack of criminal history, his role in the crime and his inevitable deportation, the defense submits something below the term recommended by the Guidelines would suffice to meet the purposes of sentencing.

Sincerely,

/s/

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cc: AUSA Jennifer S. Carapiet  
Probation Officer Jeremy Neiss